

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska                    ) Application No. 911-024.07  
Public Service Commission, on                    )  
its own motion, seeking to                    ) ORDER GRANTING REQUEST, IN  
develop policies and process                    ) PART  
requests for access to GIS data                )  
and the GIS Repository: Viaero                )  
Wireless.   ) Entered: September 3, 2008

BY THE COMMISSION:

O P I N I O N   A N D   F I N D I N G S

On or about October 24, 2007, Viaero Wireless (Viaero) submitted an application for access to the Repository (Application). Hearing on the application was held on March 11, 2008.

During the hearing no witnesses were presented in support of the application. Counsel for Viaero committed to providing information supporting the application in a late-filed exhibit which was to include a justification for the need to have access to tower information of competing wireless carriers. After having not received the late-filed exhibit, the Commission entered an order on August 5, 2008, setting a deadline for the filing of the exhibit.

Viaero provided two affidavits in support of their Application from Wes Burnett and Nicholas White. Neither affidavit provides any justification for granting access to those portions of the Repository containing proprietary information of competing wireless carriers, in particular wireless tower locations and ranges.

Therefore, the Commission finds that Viaero's Application should be granted in part and Viaero shall be given access to the Repository with the exception of wireless tower information.

Prior to the issuance of the requested passwords, an authorized representative of Viaero shall sign and return to the Commission the attached Acknowledgment and Agreement Regarding GIS Access and Use Policy attached hereto as Appendix A.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Viaero's application for access to the GIS Repository is granted in part.

IT IS FURTHER ORDERED that prior to receiving the requested password, an authorized representative of Viaero shall sign and return to the Commission the attached Acknowledgment and Agreement Regarding GIS Access and Use Policy attached hereto as Appendix A.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of September, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director